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C O N F I D E N T I A L SECTION 01 OF 02 DUBLIN 000696

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TAGS: [PGOV](#) [PREL](#) [EI](#)  
SUBJECT: CHALLENGES FACE IRISH PRIME MINISTER IN SECOND

REFERENDUM ON LISBON TREATY

REF: A. USEU BRUSSELS 1892  
[1](#)B. DUBLIN 660  
[1](#)C. DUBLIN 653 AND PREVIOUS

DUBLIN 00000696 001.2 OF 002

Classified By: Charge Robert Faucher; Reasons 1.4 (B) and (D).

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Summary  
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[1](#)1. (C) Irish Prime Minister Brian Cowen has reached an accord with the European Council whereby Ireland will hold a second referendum on the Lisbon Treaty by the end of October 2009 in exchange for "legally binding guarantees" from the European Council on matters of concern to the Irish electorate. Work will now commence on drafting language to formalize the guarantees. Initiatives to educate the Irish public about the Treaty -- and the EU -- are in the works. Formidable challenges remain. The Treaty document is no less obtuse. The 'No' campaign is once again likely to be well-funded and well-organized. Voter apathy will be a problem. The political parties -- who dropped the ball in June 2008 -- will again be in charge of the 'Yes' campaign. The Irish electorate could reject the Treaty as a vote of no confidence in the Cowen government, especially if the current economic downturn persists. Cowen will need to be politically astute and careful, less a second 'No' vote on the Treaty severely compromise Ireland's role in the EU and likely cause his weak governing coalition to collapse. End summary.

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Cowen Strikes an Agreement  
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[1](#)2. (U) On December 12, Irish Prime Minister (Taoiseach) Brian Cowen announced that he had reached an accord with the European Council to hold a second referendum on the Lisbon Treaty by the end of October 2009 in exchange for the European Council's agreement that every EU member state (including, of course, Ireland) would retain a permanent EU Commissioner and that "legally binding guarantees" would be put in place to protect Irish neutrality, tax independence, and family and ethical issues (read abortion) (Ref A). Cowen told the Irish press that the European Council promises, if satisfactorily put in place, were sufficient for him to return to the Irish people for their approval of a "new" Treaty package.

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Next Steps  
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[1](#)3. (C) On December 16, Helen Blake, Counselor, EU Division, Department of Foreign Affairs, told POLOFF that finalization

of the accord with the European Council would take two tracks. First, she said, the Irish Government, in consultation with the Secretariat of the European Council, would draft language to formalize the "legally binding guarantees." Saying that the exact EU mechanism to legalize the language had yet to be agreed, Blake noted that legal measures would also be required within Ireland to codify the guarantees. Blake predicted that this process would be accomplished by late spring or early summer 2009.

¶4. (C) Commenting that the second referendum would occur about the time of the end of the current European Commission on October 31, 2009, Blake pointed out that there were legal reasons why it was important for the EU to have clarity on Ireland's position on the Treaty by October 31. If Ireland does not ratify the Lisbon Treaty by or about that time, the new European Commission would have to be convened under the rules of the Nice Treaty, which would require a reduction in the number of Commissioners, negating the key concession Cowen just gained from his European partners that all EU member states would retain a permanent Commissioner. Loss of Ireland's Commission seat was a leading reason given by voters for their "No" vote on the Lisbon Treaty in June 2008.

¶5. (C) The second track, Blake said, would be a public government response to the late-November 2008 report of the Oireachtas (Parliament) Sub-Committee on the Future of Ireland in the EU. In recognition that the biggest single factor identified in the defeat of the Treaty in June 2008 was that the voters did not understand it, the response to the Oireachtas report, Blake stated, would be the start of a widespread campaign to better educate the Irish electorate about the Treaty -- and, indeed, about the EU itself. Blake indicated that the government campaign would assume a very low level of basic knowledge on the part of the electorate

DUBLIN 00000696 002.2 OF 002

about the workings of the EU and the Treaty. The theory, Blake said, was that the more the public learned about the EU and the Treaty, the more likely they would be to vote in favor of it. She indicated that the government would portray the agreements Cowen reached in the European Council as "copper-fastened" legal guarantees that the EU intended to listen to the concerns of the Irish and that Irish interests would be protected under the Treaty. Foreign Minister Micheal Martin, Blake said, is particularly eager to get on with the education campaign.

¶6. (C) Fianna Fail Advisor (and former Fianna Fail Director of Research) Liam Cullen told POLOFF on December 17 that in approaching the second referendum, Fianna Fail would seek to build stronger relationships among all the parties supporting the Treaty and would endeavor to set aside political differences. There would be a greater effort by the party to organize at the grassroots level to sell the Treaty and mobilize voters, he said. He noted that the party's public outreach would put greater emphasis on the important benefits of EU membership, particularly in light of the current worldwide economic difficulties.

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Comment: Cowen's Challenges  
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¶7. (C) Cowen has neatly set the stage for a second referendum -- an outcome that most political observers viewed as inevitable. However, he will still face the same obtuse document that caused so much confusion in June 2008 (and was cited by 40 percent of the "No" voters as the primary reason for their negative vote). It is probable that he will once again stand against the same well-funded and well-organized groups (led by Sinn Fein and Libertas) that defeated the Treaty in June 2008. In the run-up to the October referendum, the 'Yes' campaign will need to be much more adept at communicating the benefits of the Treaty (and the

consequences of again rejecting it), rebutting the deliberate distortions and inaccurate allegations that marked the 'No' campaign in June (especially in the Libertas camp), and overcoming the apathy of many Irish voters.

18. (C) Comment continued. Under Irish law, the government will not be allowed to campaign. As in June 2008, the 'Yes' campaign will be left to the political parties -- who have already once dropped the ball, a fact that Cowen himself has privately admitted. A successful 'Yes' campaign will require a much more concerted effort by both the government parties (Fianna Fail and the Greens) and opposition parties (Fine Gael and Labor); Cowen cannot take the support of the opposition parties for granted. Finally, the Irish electorate (as they have done in past referendums) could reject the Treaty as a vote of no confidence in the Cowen government, especially if the economy doesn't rebound during the next ten months. Cowen needs to be politically astute and careful in coming months. A second 'No' vote on the Treaty would severely compromise Ireland's role in the EU and likely cause his governing coalition to collapse.

FAUCHER